

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2799 - SB 2652

March 6, 2022

SUMMARY OF BILL: Increases the age at which a juvenile can be transferred to criminal court and tried for a criminal offense as an adult to 17 years of age for any offense.

FISCAL IMPACT:

**Increase State Expenditures – \$6,136,500/FY22-23 and Subsequent Years/
General Fund**

**Decrease State Expenditures – \$614,300 Incarceration
\$1,236,400 Incarceration**

Other Fiscal Impact – Decreases in incarceration expenditures will continue through FY31-32. Exact amounts of annual decreases over the next 10 years are included below.

Assumptions:

- Pursuant to Tenn. Code Ann. § 37-1-134(a)(1)(A), a juvenile is authorized to be transferred to criminal court and tried for a criminal offense as an adult if:
 - Less than 14 years of age at the time of the alleged conduct and charged with first degree murder or second-degree murder or attempted first or second-degree murder;
 - Between the ages of 14 and 16 years at the time of the alleged conduct and charged with specified violent offenses;
 - 16 years of age or more at the time of the alleged conduct and charged with the offense of robbery or attempt to commit robbery; or
 - 17 years of age or more at the time of the alleged conduct.
- The proposed legislation increases the age at which a juvenile can be transferred to criminal court and tried for a criminal offense as an adult to 17 years of age for any offense.
- Based on information provided by the Department of Correction (DOC), there has been an average of 33 admissions in each of the last 10 years of juveniles with an offense date prior to the offender's 17th birthday, with an average time served of 7.64 years.
- The proposed legislation will result in 33 admissions annually being sentenced within the juvenile system and no longer serving 7.64 years in DOC custody.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.74 percent per year for each of the past 10 years (from 2010 to 2020).

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- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
- The estimated decrease in incarceration costs are estimated to be the following over the next ten-year period:

Decrease in State Expenditures	
Amount	Fiscal Year
(\$614,300)	FY22-23
(\$1,236,400)	FY23-24
(\$1,856,300)	FY24-25
(\$2,484,000)	FY25-26
(\$3,116,200)	FY26-27
(\$3,763,300)	FY27-28
(\$4,394,700)	FY28-29
(\$4,813,700)	FY29-30
(\$4,849,100)	FY30-31
(\$4,898,900)	FY31-32

- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- Based on information provided by the Department of Children's Services (DCS), juvenile offenders currently incarcerated in DOC custody would now be served by the Special Needs Juvenile Justice Enhanced Safety Measures (JJ) program within DCS.
- The average daily rate for a juvenile in the JJ program is \$499.95.
- The recurring increase in expenditures resulting from additional youth in DCS custody is estimated to be \$6,021,898 (33 cases x \$499.95 x 365).
- The increase in expenditures of \$6,021,898 will be in state funding as these juveniles will be placed in a locked facility.
- Based on information provided by the DCS, the proposed legislation cannot be accommodated within existing resources. The DCS will require two case manager positions to handle the increase in population.
- The recurring increase in state expenditures associated with the two additional positions is estimated to \$114,604 [(\$43,200 salary + \$14,102 benefits) x 2 positions].
- The total recurring increase in state expenditures is estimated to be \$6,136,502 (\$6,021,898 + \$114,604) in FY22-23 and subsequent years.
- All calculations used in completion of this fiscal note are available upon request.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid.

Krista Lee Carsner, Executive Director

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